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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,619	04/05/2006	Shohji Ohtsubo	2006_0469A	1858
52349	7590	04/15/2008	EXAMINER	
WENDEROTH, LIND & PONACK L.L.P. 2033 K. STREET, NW SUITE 800 WASHINGTON, DC 20006			MAMO, ELIAS	
		ART UNIT	PAPER NUMBER	
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		04/15/2008		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/574,619	OHTSUBO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ELIAS MAMO	2184	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 December 2007.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5 and 8-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 and 8-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION**

***Claim Objections***

**Claims 3 and 5** are objected to because of the following informalities:

In claims 3 and 5, at the first line, the phrase "The recording device control unit" should read "The recording device control apparatus". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1-12 recite "a focus request", and claims 5 and 8 recite "a position proximate". These limitations are not supported by the original disclosure. Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Taniai et al. (US 5,438,665), herein after referred to as Taniai et al. '665.

Referring to **claim 1**, Taniai et al. '665 teaches, as claimed, a recording device control apparatus (i.e.-direct memory access controller, col. 2, line 49) that successively receives transfer requests and controls transfer of data relating to the transfer requests to and from a recording device (i.e.-disk unit, col. 3, line 50) each transfer request including (i) area information that shows an area that is a transfer destination or a transfer source in the recording device and (ii) type information for specifying a transfer data type (i.e.-transfer data type is included in DMA transfer, col. 1, lines 43-47), the recording device control apparatus comprising:

- a reception unit (i.e.-request handling means, col. 2, line 59) operable to receive the transfer requests;
- a queue management unit operable to manage a processing order of the received transfer requests (i.e.-transfer control information setting means generates transfer control information according to transfer request priority, col. 3, lines 1-10);
- a transfer criterion judgment unit operable to determine which of the received transfer requests to set as a focus request based on a predetermined transfer

criterion (i.e.-transfer control circuit generates data transfer request based on transfer control information, col. 1, lines 20-25);

-a transfer request specification unit (i.e.-request handling means, col. 2, lines 59 and transfer control circuit, col. 4, lines 20-21) operable to judge with reference to the processing order whether or not a transfer request having type information identical to the type information of the focus request exists before the focus request when the management information judgment unit judges that no transfer request for management information exists before the focus request, and is operable to specify data relating to the focus request as a transfer target when no transfer request having type information identical to the type information of the focus request exists before the focus request (Note: next transfer request is specified based on the present transfer control information, therefore, the transfer control circuit generates transfer control information necessary for processing the next transfer request, col. 4, lines 24-33).

-a transfer unit operable to transfer the data specified by the transfer request specification unit (i.e.-transfer execution means executes the data transfer in accordance with transfer control information, col. 3, lines 11-15)

Moreover, Tainai et al. '665 teaches a management information judgment unit (i.e.-transfer management circuit determines the execution of data transfer according to the transfer control information and in conformity with the transfer request (col. 5 lines 45 and 55), but does not explicitly teach the step of judging whether or not the focus request is a transfer request for management information, and on judging that the focus request is a transfer request for management information, judge with reference to the processing order whether or not a transfer request for management information exists before the focus request

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the transfer control information of Tainai et al. '665 and implement the step/method of judging whether or not the focus request is a transfer request for management information, and on judging that the focus request is a transfer

request for management information, judge with reference to the processing order whether or not a transfer request for management information exists before the focus request, since it is merely an alternate arrangement that falls with in the level of general skill of a worker in the art.

As to **claim 2**, Taniai et al. ‘665 teaches the recording device control apparatus of claim 1, wherein the management information judgment unit is operable to judge with reference to the processing order whether or not a transfer request exists before the focus request for management information that includes area information identical to the area information of the focus request on judging that the focus request is a transfer request for management information (i.e.-address information is part of transfer control information, and beforehand it generates the control information necessary for executing the next data transfer, col. 4, lines 39-41 and 53-57), and when the arrangement information judgment unit judges that no transfer request for management information that includes area information identical to the area information of the focus request exists before the focus request, the transfer request specification unit is operable to send a judgment result to a request judgment unit (Note: since generation for the next transfer request is based on present transfer control information, if the address is not valid, then transfer control circuit does not generate transfer control information, col. 4, lines 30-33).

As to **claim 3**, Taniai et al. ‘665 teaches the recording device control unit of claim 2, wherein the reception unit is operable to receive a first transfer request and a second transfer request, and the transfer criterion judgment unit is operable to judge whether or not the first transfer request is to be set as the focus request and is operable to determine which of the transfer requests to set as the target request, based on one of (a) whether or not the type information of the first transfer request and the type information of the second transfer request are different from each other, and (b) a result of comparing a priority level of the first transfer request and a priority level of the second transfer request (col. 2, line 59 to col.3, line 10).

As to **claim 4**, Taniai et al. '665 teaches the recording device control apparatus of claim 3, wherein the reception unit is operable to receive a first transfer request and a second transfer request, and the transfer criterion judgment unit is operable to judge that neither of the first transfer request and the second transfer request is to be set as the focus request, and is operable to determine that a transfer request following the first transfer request is to be set as the focus request, when the type information of the first transfer request and the type information of the second transfer request are different from each other and the priority level of the second transfer request is higher than the priority level of the first transfer request (Note: transfer control information setting means generates first and second control information based on priority, col. 3, line 6).

As to **claim 5**, Taniai et al. '665 teaches the recording device control unit of claim 1, wherein the transfer request specification unit is operable to set the transfer request for management information in a position proximate the focus request, as the focus request, when the management information judgment unit judges that a transfer request for management information exists before the focus request (i.e.-transfer control circuit generates next data transfer request based on the present transfer control information, col. 4, lines 35-36).

As to **claim 8**, Taniai et al. '665 teaches the recording device control apparatus of claim 1, wherein the transfer request specification unit is further operable to set the transfer request in a position proximate the focus request, as the focus request, on judging that a transfer request having type information identical to the type information of the focus request exists before the focus request (col. 5, lines 20-26).

As to **claim 9**, Taniai et al. '665 teaches the recording device control apparatus of claim 1, wherein the management information judgment unit is further operable to judge with

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reference to the processing order whether or not a transfer request for management information exists after the focus request (col. 5, line 64-col. 6, line 5) on judging that the focus request is a transfer request for management information, and the transfer request specification unit is further operable to exclude the focus request from being a transfer target when the management information judgment unit judges that a transfer request for management information exists after the focus request (Note: since generation for the next transfer request is based on present transfer control information, if the address is not valid, then transfer control circuit does not generate transfer control information, col. 4, lines 30-33).

As to **claim 10**, Taniai et al. '665 teaches the recording device control apparatus of claim 9, wherein the reception unit is further operable to receive an omission instruction that instructs omission of transfer of redundant management information, and the transfer request specification unit is operable to exclude the focus request from being a transfer target only if the reception unit receives the omission instruction (Note: the transfer control information is read out by an instruction supplied from a transfer management circuit provided in the transfer execution unit, col. 5, lines 41-45).

As to **claim 11**, Taniai et al. '665 teaches, as claimed, a recording device control method for successively receiving transfer requests and controlling transfer of data relating to the transfer requests to and from a recording device (i.e.- direct memory access controller, col. 2, line 49), each transfer request including (i) area information that shows an area that is a transfer destination or a transfer source in the recording device (i.e.-transfer control information consists address information, col. 4, lines 39-41) and (ii) type information for

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specifying a transfer data type (i.e.-transfer data type is included in DMA transfer, col. 1, lines 43-47), the recording device control method comprising:

-receiving the transfer requests (i.e.-receiving a transfer request, col. 2, line 59);

-managing a processing order of the received transfer requests (Note: transfer control circuit manages the order of processing based on the transfer control information, col. 4, lines 34-39);

-determining which of the received transfer requests to set as a focus request based on a predetermined transfer criterion (i.e.-executing of next data transfer request is determined based transfer control information, col. 4, lines 53-55);

-judging with reference to the processing order whether or not a transfer request having type information identical to the type information of the focus request exists before the focus request when it is judged that no transfer request for management information exists before the focus request, and specifying data relating to the focus request as a transfer target when no transfer request having type information identical to the type information of the focus request exists before the focus request (Note: since generation for the next transfer request is based on present transfer control information, if the address is not valid, then transfer control circuit does not generate transfer control information, col. 4, lines 30-33); and

-transferring the specified data (i.e.-transfer execution means executes the data transfer in accordance with transfer control information, col. 3, lines 11-15).

Moreover, Tainai et al. '665 teaches a management information judgment unit (i.e.-transfer management circuit determines the execution of data transfer according to the transfer control information and in conformity with the transfer request (col. 5 lines 45 and 55), but does not explicitly teach the step of judging whether or not the focus request is a transfer request for management information, and when the focus request

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is a transfer request for management information, judging with reference to the processing order whether or not a transfer request for management information exists before the focus request

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the transfer control information of Tainai et al. '665 and implement the step/method of judging whether or not the focus request is a transfer request for management information, and when the focus request is a transfer request for management information, judging with reference to the processing order whether or not a transfer request for management information exists before the focus request, since it is merely an alternate arrangement that falls with in the level of general skill of a worker in the art.

As to **claim 12**, it is directed to a computer program recorded on a computer-readable medium to implement the method as set forth in claim 11. Therefore, it is rejected on the same basis as set forth above.

#### ***Response to Arguments***

Applicant's arguments filed on 12/20/2007 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ELIAS MAMO whose telephone number is (571) 270-1726 and fax number (571) 270-2726. The examiner can normally be reached on Monday thru Thursday from 9 AM to 5 PM EST. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Henry Tsai, can be reached on (571) 272-4176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/E. M./

**/Henry W.H. Tsai/**  
**Supervisory Patent Examiner, Art Unit 2184**